

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

APPLE INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 22-1378-MN-JLH
)	
MASIMO CORPORATION and)	JURY TRIAL DEMANDED
SOUND UNITED, LLC,)	
)	
Defendants.)	
)	
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MASIMO CORPORATION and)	
CERCACOR LABORATORIES, INC.,)	
)	
Counter-Claimants,)	
)	
v.)	
)	
APPLE INC.,)	
)	
Counter-Defendant.)	

**SUPPLEMENTAL DECLARATION OF JORDAN N. MALZ IN SUPPORT OF
PLAINTIFF APPLE INC.’S REPLY BRIEF IN SUPPORT OF ITS MOTION TO**

- (1) SEVER MASIMO’S 16 UNRELATED ANTITRUST, FALSE ADVERTISING,
AND PATENT INFRINGEMENT COUNTERCLAIMS AND**
- (2) STAY MASIMO’S PATENT INFRINGEMENT COUNTERCLAIMS RELATED
TO OTHER INFRINGEMENT COUNTERCLAIMS ALREADY STAYED
PURSUANT TO 28 U.S.C. § 1659**

I, Jordan N. Malz, declare and state as follows:

1. I am an attorney and partner at the law firm Desmarais LLP, counsel of record for Plaintiff Apple Inc. (“Apple”) in the above-captioned case. I submit this declaration based on personal knowledge, and if called upon as a witness, could competently testify to the truth of each statement herein.

2. Attached as **Exhibit 5** is a true and correct screenshot of the Westlaw website showing Citing References in District Courts for the case, *In re Innotron Diagnostics*, 800 F.2d 1077 (Fed. Cir. 1986).

3. Attached as **Exhibit 6** is a true and correct screenshot of the Westlaw website showing Citing References in District Courts for the case, *In re Theodor Groz & Sohne*, 972 F.2d 1352 (Fed. Cir. 1992).

I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 3, 2023

By: /s/ Jordan N. Malz

Jordan N. Malz

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